

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGARDING THE 2007 CALIFORNIA PLUMBING CODE (CPC)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5  
(HCD 01/07)**

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The Administrative Procedure Act requires an Initial Statement of Reasons to be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:**

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

**1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.**

**Administrative Requirement:** Health and Safety Code Section 17921 directs the Department of Housing and Community Development (HCD) to propose adoption, amendment or repeal of building standards for the protection of public health, safety and general welfare. Government Code Section 12955.1 provides direction for HCD to propose adoption of building standards necessary to prohibit discrimination in the design and construction of all housing other than publicly funded housing.

**2) Specific Purpose**

HCD has determined the amendment of the 2007 California Plumbing Code (CPC) is needed pursuant to the requirements of Health and Safety Code Section 17921 and Government Code Section 12955.1.

**The specific purpose** of these regulations is to amend the 2007 CPC, as indicated on the attached matrix table, into Part 5, Title 24, and CCR for the following programs:

- a) **State Housing Law:** 1. relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code Section 17921; 2. relative to California Fair Employment and Housing accessibility requirements as provided in Government Code Section 12955.1, except where the application is for public use only.
- b) **Employee Housing Act:** relative to any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Mobilehome Parks or Special Occupancy Parks:** relative to the use of plumbing systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator within the park in accordance with Health and Safety Code Section 18300 for mobilehome parks, and Sections 18865 and 18865.3 for special occupancy parks.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

### **3) Rationale for Necessity**

The 2007 CPC, based on the 2006 edition of the Uniform Plumbing Code (UPC) published by the International Association of Plumbing & Mechanical Officials (IAPMO), becomes effective on January 1, 2008. HCD has developed amendments to the 2007 CPC to implement, interpret, and make specific provisions of state and federal law and/or to incorporate provisions that benefit the health, safety and general welfare of the people of California.

**It is necessary to propose the amendment** of some sections of the 2007 CPC, including the addition of sub-sections, to incorporate state and federal laws and regulations, provide clarity to the user, and update materials used within a plumbing system based on current nationally recognized standards, engineering principles, and available energy efficient fixtures.

**It is necessary to not propose the adoption** of some sections of the 2007 CPC because they would conflict with amendments which are proposed in this rulemaking.

**Specific Proposed Regulatory Actions:** HCD proposes to continue the adoption of the 2007 CPC as amended. The rationale for each amendment by chapter and section is listed below.

#### **CHAPTER 2. DEFINITIONS**

HCD proposes adoption of this chapter with amendments indicated below and on the attached matrix table.

##### **SECTIONS: 203.0, 211.0 and 216.0**

###### **SECTION 203.0:**

###### **“Air Admittance Valve”**

HCD proposes to adopt the above-referenced new California amendment into Title 24, Part 5, CPC. HCD has added a banner consistent with the format of this code. A uniform definition will provide clarity for the code user and consistency in the code application.

###### **SECTION 211.0:**

###### **“Insanitary”**

HCD proposes to adopt the above-referenced model code section into Title 24, Part 5, CPC, with modification. The modified text adds an exception after item three: Insanitary conditions provided by model code language. The exception to item three is necessary in part to coincide with HCD’s overall proposed adoption of non-water supplied urinal fixtures. The HCD banner has been added to maintain consistency with the format of this code.

###### **SECTION 216.0:**

###### **“Non-Water Supplied Urinal (Waterless Urinal)”**

HCD proposes to adopt the above-referenced new California amendment into Title 24, Part 5, CPC. HCD has added a banner consistent with the format of this code. A uniform definition will provide clarity for the code user and consistency in the code application.

#### **CHAPTER 3. GENERAL REGULATIONS**

HCD proposes adoption of this chapter with amendments indicated below and on the attached matrix table.

##### **SECTION: 316.1.6**

HCD proposes to repeal language in the above-listed section of the existing California amendment. The modified text will remove reference to scoping language located in Section 108 of the CPC. The modification has no change in regulatory effect. The scoping language was identified for removal in the previous code cycle but due to an oversight, the text was not deleted.

#### **CHAPTER 4. PLUMBING FIXTURES AND FIXTURE FITTINGS**

HCD proposes adoption of this chapter with amendments indicated below and on the attached matrix table.

##### **SECTIONS: 402.1, 402.1.1, 402.1.2, 402.2.1, 402.2.2, 402.3.1, 402.3.2, 402.3.3 and 405.2**

**Section: 402.1.**

HCD proposes to continue adoption of the above-listed California amendment with modification. Reference to Health and Safety Code Section 17921.3 for water closets and urinals has been removed from the model code language and has been relocated into the new subsections of Sections 402.2 and 402.3. New amended language has been placed behind the model code text for flow rates of shower heads and faucets, including reference standards. This is necessary with the addition of new amendments, specifically Sections 402.1.1 and 402.1.2. The HCD banner has been relocated at the front of Section 402.1 to maintain consistency with the format of the code. There is no change in regulatory effect for the code user. Applicable reference standards that govern water conserving fixtures remain in Table 14-1.

**Section: 402.1.1**

HCD proposes adoption of the above-listed California amendment into Title 24, Part 5, CPC. This new amendment will limit water flow through shower heads installed in California not to exceed 2.5 gallons per minute at 80 psi. The flow rate listed is consistent with the current national efficiency standards for residential water using appliances. HCD believes implementing this measure will provide cost-effective water efficiency and conserve resources, including water and energy. Additional environmental benefits include reduced chemical and sewer usage. The HCD banner has been added to maintain consistency with the format of this code.

**Section: 402.1.2**

HCD proposes adoption of the above-listed California amendment into Title 24, Part 5, CPC. This new amendment will limit water flow through kitchen faucets, lavatories, wetbars, laundry sinks, or other similar use fixtures installed in California. The new flow rate shall not exceed 2.2 gallons per minute at 60 psi. The flow rate listed is consistent with the current national efficiency standards for residential water using appliances. HCD believes implementing this measure will provide cost-effective water efficiency and conserve resources, including water and energy. Additional environmental benefits include reduced chemical and sewer usage. The HCD banner has been added to maintain consistency with the format of this code.

**Section 402.2.1**

HCD proposes adoption of the above-listed California amendment into Title 24, Part 5, CPC. This amendment maintains the currently established maximum rate of 1.6 gallons of water per flush for water closets, flush tank, flushometer tank, or flushometer valves until December 31, 2009. Health and Safety Code Section 17921.3 currently requires this maximum flush rate for water closet installations after January 1, 1994. The HCD banner has been added to maintain consistency with the format of this code.

**Section 402.2.2**

HCD proposes adoption of the above-listed California amendment into Title 24, Part 5, CPC. On July 1, 2011, a new maximum flush rate will become effective in California for water closets, either flush tank, flushometer tank, or flushometer valve. The flush rates proposed for single and dual flush high-efficiency water closets is consistent with voluntary standards currently drafted by the Environmental Protection Agency (EPA) Water Sense Program and conservation measures currently proposed in the California Legislature. HCD believes implementing this measure will provide cost-effective water efficiency and conserve resources, including water and energy. Additional environmental benefits include reduced chemical and sewer usage. The HCD banner has been added to maintain consistency with the format of this code.

*NOTE: Some manufacturers, while in agreement with HCD's conservation efforts, advocate a delay of the proposed July 1, 2011 date to implement the new standards. Accordingly, HCD is currently working with the manufacturers of low-flush toilets on an alternate implementation date to ensure that production will meet demand; as a result, the July 2011 date may be changed.*

**Section 402.3.1**

HCD proposes adoption of the above-listed California amendment into Title 24, Part 5, CPC. This amendment maintains the currently established maximum flush rate of one gallon of water per flush for urinals and associated flushometer valves, if any, until December 31, 2009. Health and Safety Code Section 17921.3 currently requires this maximum flush rate for urinal installations after January 1, 1994. The HCD banner has been added to maintain consistency with the format of this code.

**Section 402.3.2**

HCD proposes adoption of the above-listed California amendment into Title 24, Part 5, CPC. On July 1, 2011, a new maximum flush rate will become effective in California for urinals and associated flushometer valves. The flush rate of 0.5 gallons per flush is consistent with voluntary standards currently drafted by the Environmental Protection Agency (EPA) Water Sense Program and conservation measures currently proposed in the California Legislature. HCD

believes implementing this measure will provide cost-effective water efficiency and conserve resources, including water and energy. Additional environmental benefits include reduced chemical and sewer usage. The HCD banner has been added to maintain consistency with the format of this code.

*NOTE: Some manufacturers, while in agreement with HCD's conservation efforts, advocate a delay of the proposed July 1, 2011 date to implement the new standards. Accordingly, HCD is currently working with the manufacturers of low-flush toilets on an alternate implementation date to ensure that production will meet demand; as a result, the July 2011 date may be changed.*

### **Section 402.3.3**

HCD proposes adoption of the above-listed California amendment into Title 24, Part 5, CPC. Waterless urinal technology has been available for use since 1991. Evaluation, certification, and listing through recognized agencies have now been completed through the normal processes utilized to approve a listing and ensure conformance with an applicable standard(s). HCD believes implementing this measure will provide cost-effective water efficiency and conserve resources, including water and energy. Additional environmental benefits include reduced chemical and sewer usage. Conditions of use have been added to be consistent with requirements prescribed in AB 715 (Chapter 499, Statutes of 2007.) The HCD banner has been added to maintain consistency with the format of this code.

### **Section 405.2**

HCD proposes to adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. Model code language prohibits urinals in which the walls are not washed at each discharge. No discharge of water is necessary in a waterless urinal application. An exception is provided, in part, to coincide with HCD's overall proposed adoption of non-water supplied urinals and to mitigate the difference from model code requirements. The HCD banner has been added to maintain consistency with the format of this code.

## **CHAPTER 6. WATER SUPPLY AND DISTRIBUTION**

HCD proposes adoption of this chapter with amendments indicated below and on the attached matrix table.

### **SECTIONS: 604.1.1, 604.11, 604.11.1, 604.11.2 and Table 6-4**

#### **Section 604.1.1**

HCD proposes to continue the adoption of the above-listed California amendment into Title 24, Part 5, CPC, with modification. HCD became aware that an unintended consequence in application was being applied with the reference to only Chapter 3. In error, some local enforcement agencies have been applying provisions of alternate materials and methods to approve the use of CPVC. HCD's adoption of CPVC is for the unrestricted use of this material, not requiring a continued approval under the Chapter 3 provision. Additionally, an obsolete reference to Section 301.0 in subsections (c) and (d) has been replaced by the correct cite to Section 1.2, and a printing error in subsection (f) has been corrected. These changes are intended to provide further clarity and bring consistency to the code user while providing uniform enforcement and application of this material.

#### **Sections 604.11, 604.11.1, 604.11.2 and Table 6-4**

HCD proposes to adopt the above-listed model code sections into Title 24, Part 5, CPC, with modification. HCD has previously proposed adoption of the UPC without amendment to restrict the use of PEX piping. In these previous adoptions, HCD has received comments asserting that the California Environmental Quality Act (CEQA) must be satisfied in order to adopt the model code as written for use in California. In these previous adoptions, HCD has not agreed with the comments, but decided to include a restriction for PEX to avoid legal challenges that could potentially delay the adoption of the UPC or has been forced to withdraw the entire UPC adoption package due to the voluminous comments received from stakeholders who want the use of PEX restricted in California. During the current adoption cycle, HCD anticipates receiving similar comments and intends to complete the necessary tasks to legally adopt these sections without amendment. If necessary, HCD will either propose amendments or withdraw all or portions of the initial proposal. The HCD banner has been removed from Sections 604.11, 604.11.1 and 604.11.2 to maintain consistency with the format of this code.

## **CHAPTER 9. VENTS**

### **SECTIONS: 905.4, 906.1, 909.1, 909.1.1, 909.1.2, 909.1.3, 909.1.4 and 909.1.5**

#### **Sections 905.4 and 906.1**

HCD proposes to adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. An exception is provided, in part, to coincide with HCD's overall proposed adoption of air admittance valves as specified in Section 909.1. The HCD banner has been added to maintain consistency with the format of this code.

#### **Section 909.1**

HCD proposes to adopt the above-listed California amendment section into Title 24, Part 5, CPC, with modification. Air admittance valves have been approved by HUD in their Manufactured Home Construction Safety Standards as "Anti-siphon trap vent devices" since June 15, 1976. HCD has accepted the similar use in manufactured housing, factory-built housing, and dwellings, as evidenced in "Information Bulletin 76-1" dated February 18, 1976. Similarly, use has also been permitted in recreational vehicles. In this hard usage application, HCD has no history of product failure. Canadian National codes, the International Residential Code, and International Plumbing Code currently approve the installation and use of air admittance valves. In part, approval of this mechanical venting device has been based upon conformance to standards by the National Sanitation Foundation (NSF) and the American Society of Safety Engineers (ASSE). The HCD banner has been added to maintain consistency with the format of this code.

#### **Sections 909.1.1, 909.1.2, 909.1.3, 909.1.4 and 909.1.5**

HCD proposes to adopt the above-listed California amendment sections into Title 24, Part 5, CPC. These amendments reflect general and specific requirements for installation and use. Requirements were established based upon the specific application of use, review of other model codes, evaluation reports, and other resources made available to HCD. Air admittance valves have been approved by HUD in the Manufactured Home Construction Safety Standards as "Anti-siphon trap vent devices" since June 15, 1976. HCD has accepted the similar use in manufactured housing, factory-built housing, and dwellings, as evidenced in "Information Bulletin 76-1" dated February 18, 1976. Similarly, use has also been permitted in recreational vehicles. In this hard usage application, HCD has no history of product failure. Canadian National codes, the International Residential Code, and International Plumbing Code currently approve the installation and use of air admittance valves. In part, approval of this mechanical venting device has been based upon conformance to standards by the National Sanitation Foundation (NSF) and the American Society of Safety Engineers (ASSE). The HCD banner has been added to maintain consistency with the format of this code.

## **CHAPTER 10. TRAPS AND INTERCEPTORS**

HCD proposes adoption of this chapter with amendments indicated below and on the attached matrix table.

### **Sections 1003.1 and 1005.0**

#### **Section 1003.1**

HCD proposes to adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. Model code language prohibits urinals which are not self-cleaning nor of a standard design and weight. Non-water supplied urinals provide integral or removable traps. An exception is provided, in part, to coincide with HCD's overall proposed adoption of non-water supplied urinal fixtures and to mitigate the difference from model code requirements. The HCD banner has been added to maintain consistency with the format of this code.

#### **Section 1005.0**

HCD proposes to adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. Model code language prescribes minimum and maximum depths for a trap seal. Non-water supplied fixtures provide integral or removable traps. An exception is provided, in part, to coincide with HCD's overall proposed adoption of non-water supplied urinals and to mitigate the difference from model code requirements. The HCD banner has been added to maintain consistency with the format of this code.

**TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:**

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

None.

**CONSIDERATION OF REASONABLE ALTERNATIVES**

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternative.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

**REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

**FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.**

(Government Code Section 11346.2(b)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

None.

**DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

(Government Code Section 11346.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.